## THE COURTS.

Infunction Suit Against the Elevated Railroad Company.

A STRANGE BANK STORY.

City Railroads and Their Snow Ploughs.

IMPORTANT REAL ESTATE SUIT.

In the case of George Hughes, against whom the overnment has brought an action to recover 100,000, as heretofore reported, there was an argument yesterday, before Judge Blatchford, as to the admissibility of the evidence offered. Judge latchford took the papers.

Mrs. Isadore Graff, indicted by the Grand Jury of the United States Court for alleged complicity in the smuggiing of silks, yesterday gave ball in \$2,000, before United States Commissioner Shields,

o appear for trial. The suit brought by the House of Mercy against the city to vacate an assessment upon six lots, recently added to its real estate, was yesterday decided by Judge Van Vorst, before whom it was tried, in Supreme Court, Special Term, in favor of

in the suit brought by Mrs. Lawrence B. Jerome against Luther C. Ciark, of the firm of Clark, Dodge & Co., and John J. Cisco to recover \$5,000 Iron Company, the particulars of which have been published, Judge Van Brunt, holding Supreme Court, Circuit, before whom the case was tried, dismissed the complaint this morning. The dismissal was on the ground that the money was not paid to the defendants, but to the Treasurer of the company, and that they were in no way accountable for it to the plaintiff.

THE ELEVATED RAILROAD. The question of the right of the Elevated Rail-

road Company to extend its road or lay down any dditional track has come before the courts for settlement. A snit has been commenced by David Haight and others to restrain the extension of the road, and especially to prevent the building of a track in front of houses owned by them on Greenwich street, between Horatio and Bank streets. The plaintiffs set forth in their complaint that the time for the building of the road having expired the company has no right to extend it, and that the genrai railroad act does not apply to the case. It is further claimed that the extension of the road in

front of their houses, through the noise caused by nassing cars and the smoke and cinders of the notives will inevitably greatly depreciate the value of their property as dwellings. An injunction has therefore been asked for restraining such

value of their property as dwellings. An injunction has therefore been asked for restraining such extension. A motion for such injunction came up for argument yesterday in Supreme Court, Chambers, before Judge Lawrence,

Mr. Shaffer, on behalf of the plaintiffs, made an extended argument setting forth at length the grounds upon which the application is based. He began by reviewing the various acts of the Legislature in regard to the road in the initiatory act of incorporation, the corporate name coing, as stated, "The New York and Yonkers Experimental Railroad Company." In this act it was specified, he insisted, that the propelling power should be a stationary engine and cable—a provision which, he alleged, had never been changed. For this reason he urged that the introduction of dummy engines was illegal. In the course of his remarks he aliaded to the project by this road of traversing every tenth street of the city, of having their roads over Central Park—a gridiron project-which he was very thanking Governor Dix had the sense to veto, and on account of which he was very sorry he had not voted for him. Coming down to the present time he contended that the road, not having been built within the specified time, left the directors of the road without any foundation in law is mutobus in fact. He enlarged on the question of fare, which he claimed was blaced in excess of that allowed by the charter, and declared that the road instead of being of public use was a fraud and extortion in being run without any warrant or authority of law. As to the complainants, he said that they belonged to the old Knickerbocker stock of the city, were born and married in the houses they now live in, had given their sons and daughters in marriage there and hoped to die there, without the noise, dust, smoke, cinders and general nuisance of an elevated steam railway.

Mr. Tracy, in reply made an equally elaborate

railway.

Mr. Tracy, in reply, made an equally elaborate argument. He also reviewed the acts of the Legislature in respect to the road, and claimed that it was bought by the present owners of the former owners with all its rights and franchises and was now being run under the General Railroad act, he claimed that under this act hasy were entitled to use dummies and construct such turnouts as they required. They proposed to construct two turnouts, one at Frankin street, to which there was no opposition, and one at Bank street, the opposition to which constituted the basis of the present action. He insisted that to carry out this present action. He insisted that to carry out this plan of giving a sent to every passenger and properly accommodate those riding over their road they needed these turnouts, and he saw no reason why the Court should interere.

Considerable further discussion followed, and at the close Judge Lawrence took the papers, holding his decision in reserve.

## A BANK ROMANCE

Many marvellous stories are related of absence of mind, but an instance of obliviousness as to one's bank account, brought to light in the court vesterday, takes precedence in this class of narrations. P. Lorilard Ronald deposited some money several years ago in the Mechanics' Nation-"Do you know there is \$6,750 to your credit in

the Mechanics' National Bank ?" an ex-official of the bank asked him not long since.
"No," answered Ronald; "you must be mistaren. My bank book was balanced long ago,"
"I am telling you the truth," continued the ex-official.

Tam telling you the truth," continued the ex-official.

"Well, it is worth looking after," replied Ronald.

He did look after it. He went to the bank, stated the case, as he alleges, and was told it was not so. He did not give up the matter here, but persisted in his determination to have the affair thoroughly inquired into, when, finally, the correctness of the statement was acknowledged and the noney paid to him. But between the deposit of the money and its payment seven years had elapsed. A "happy thought" struck Ronald. He forthwith "booked it." This was to get payment of interest for seven years on the money. This the bank refused to pay, and be accordingly brought suit against the bank to compet its payment. The case came to trial yesterday in the Superior Court, Circuit, Part 1, before Judge Speir. It took but a short time to put in the restimony for the prosecution, developing the facts related above. As soon as the plaintin's last witness had left the stand a motion was made, on ochali of the defence, to dismiss the complaint, on the ground that acceptance of the principal was a bar to recovery of interest. This was argued long and learnedly, and then Judge Speir denied the motion, after which a recess was taken. On the reassembling of the Court counsel announced to the Court that in the interview the case had been settled by blaintin agreeing to accept \$1,800. And thus ended the suit.

John Taylor Johnston, the well known President of the New Jersey Central Railroad, whose restdence is at the corner of Fifth avenue and Eighth street, has invoked the courts to see if it is not possible in some way to prevent city railroad com-panies from obstructing sidewalks through throwpasies from obstructing sidewalks through throwing anow from their tracks on to the sidewalks by means of snow ploughs and sweepers. He has applied for an injunction against the Christopher and Tenth Street Crosstown Railroad Company, restraining them from obstructing the aidewalk in front of his residence in the manner stated. The case came up for argument yesterday before Judge Robinson, in Special Term of the Court of Common Pleas. It was insisted in the argument of the injunction that the system at present in vogue by the different railroad companies of clearing their tracks of snow is a perfect nuisance; that it prevents private citizens from keeping their sidewalks clear from snow, as required by statute, and that no such abuse of private rights was contemplated by the Legislature in their charters. The defence was that the railroad tracks must, in any event, be kept clear of snow, for the accommodation of the public; that this is a work of necessity and cannot be avoided; that the present winter has been an unusually severe one, and that private citizens must expect to put up with minor grievances, for the better convenience of the public generally.

At the conclusion of the argument Judge Robinson took the papers, reserving his decision.

Engenbotam for the claimants and Corporation Counsel be Witt for the city. The plaintiffs are the neirs of John Cowenhoven, who owned a large tract, extending from Flatbush to Washington avenues. In 1833 the Brooklyn and Jamaica Railroad took a strip eighty feet wide, running through this tract, and paid therefor some \$12,000 to plaintiff's ancestor. In 1853 the company acandoned and discontinued the use of the land so taken for the purposes of their railroad and conveyed the land to the city, by whom it was payed, &c., and it remains part of the bed of Atlantic avenue, one of the principal thoroughfares of Brooklyn. The plaintiffs claim that the railroad acquired only the use of the land for railroad purposes, and that on the abandonment of that use the land reverted to the original owners.

BUPREME COURT—CHAMBERS.

By Judge Donohue.

In the matter of Hanover Fire and Marine insurance Company; Kelly vs. Wateroury; in the matter of Dickte.—Orders granted.

In the matter of Day.—Metaoran1mm.

In the matter of Grask and Peekskill Plow Works; Birdsall vs. Taylor.—Motions gratted.

McGowan vs. Clark.—Party must be examined.

Fitzpatrick vs. The Mayor, &c.—Motion denied, without costs.

Butler vs. Welle.—Order granted staying proceedings.

Raudolph vs. Williams.—Motion staying proceedings.

Randolph vs. Williams.—Motion denied.
Thwing vs. Osgood.—Notice of settlement, when blanks are filled, will be signed.
Glover vs. The Mayor, &c.—Allowance of five per cent.

By Judge Lawrence.

Stein vs. Winters.—Motion to change place of trial is denied, with \$10 costs.

Baxter vs. Missouri and Kansas and Texas Railroad Company.—The examination of Mr. Meyer must op proceeded with on Frinar, the pith inst., at eleven A. M., at the chambers of this fourt

Henry vs. Nussbaum.—Memorandum for counsel.

SUPREME COURT—SPECIAL TERM.

By Judge Van Vorst.

House of Mercy, New York, vs. The Mayor, &c.—
Judgment for plaintiff.

Uhimann vs. Hass et al.—Judgment for plaintiff of foreclosure and sale.

Well vs. Martin.—Judgment for plaintiff of foreclosure and sale.

closure and sale.

By Judge Van Brunt.

Young vs. Langbien, et al.—Allowance of \$150

granted.

SUPERIOR COURT—SPECIAL TERM.

By Judge Sedgwick.

Zimmermann et al. vs. The National Steamship Company.—Order for commission granted.

Frye vs. Roe et al.—Motion denied.

Hayes vs. Bishop.—Motion to open default denied. (See memorandum.)

Groesbeck vs. Duncombe et al.—Motion to vacate judgment denied. (See memorandum.)

Johnston vs. Johnston.—Leave granted to serve reply on payment of motion costs. (See memorandum.)

Solomon et al. vs. Butterfield et al.—Application Solomon et al. vs. Butterfield et al.—Application denied.

Bennett vs. Dever.—Findings settled.

COURT OF SPECIAL SESSIONS. Before Judges Otterbourg, Murray and Flammer. WATERING MILK.

A youth named John Smith was arreigned at the bar of the Court of Special Sessions yesterday morning on a charge of adulterating milk. When the case was called every one expected racy de velopments concerning mountains of chalk and exhaustless hydrants. No such interesting testimony was adduced. When the first witness had been examined, all the lacts were out. Smith, it appeared, was the driver of a milk wagon, and a part of his duty seemed to be to water the milk. Officer Lepson swore that on the morning of the 12th of February the prisoner drove up to the depot corner of Franklin and Centre streets to get his milk, and that after butting the cans on his wagon he drove out this Franklin street and proceeded to introduce tresh water into the cans. While thus employed the officer arrested him, and on testing the milk it was found to be far below the standard at which pure milk is gauged. Smith swore that he did not put the water into the milk, he was only washing out the cans. The Court fined him \$50, and the amount was immediately paid by the boy's employer. exhaustless hydrants. No such interesting testi-

THROWING VITRIOL. William Bergh, who was charged in one of the police courts a few days since by Ann Murphy with having thrown vitriol at her, was yesterday arraigned at the bar of the Special Sessions. Mrs. Murphy swore that Bergh had thrown the acid on her, but on cross-examination it was developed that she did not see him, she was told he had done it by ner little grandson, Barney. Barney was called, but as he was too small to be sworn an officer lived him up and sat him on the Bible, from the seat of which the little fellow told his rambling little story, much to the amusement of the Court. He told of how he had seen Bergh take out from his pants' pocket a bottle and soake something out of it on his grandmother's dress. Judge Otterbourg thought be had a point on the little fellow when he asked, "How did the man take the cork out of the bottle? You say he had a pail of water in his other hand." "He put the pail on his arm and pulled the cork out with his hand," said Barney. All would have been well for the Murphy cause had not little Barney been induced by the counset for Bergh to go into an explanation of what virioi was.

The evidence being insufficient Barch was diswith having thrown vitriol at her, was yesterday

The evidence being insufficient Bergh was dis-

COURT OF GENERAL SESSIONS.

Before Recorder Hackett. BURGLARIES AND LARCENIES-THEFT OF A HUNDRED-DOLLAR BILL-PETIT LARCENIES.

In the Court of General Sessions yesterday, before Recorder Hackett, John Dolen and John Daley, against whom were two charges, pleaded 13th of February they broke into the clothing

and stole \$300 worth of clothing.
Thomas Foster, who was indicted for robbery,

Thomas Foster, who was indicted for robbery, pleaded guilty to petit larceny irom the person. The complaint set forth that on the 9thinst, he assaulted Edward Mann and took \$23 irom his person. These prisoners were each sent to the State Prison for five years.

Bartholomew McCarty was tried and convicted of grand larceny. On the 6th of this month he stole a horse and cart, containing saws valued at \$20, the property of Augustus Moore. The prisoner was caught in Beekman street driving the horse and cart, and endeavored to run away, McCarty, in testifying for himself, said that he had been twice in the Lanatic Asylum. His Honor sentenced the prisoner to the State Prison for four years.

Bianche Martin, a dashing colored lady, was tried and found guilty of stealing a \$100 bill. Patrick Mairer swore that while the prisoner was standing at his counter drinking a glass of ale, on the 6th of this month, she snatched up a \$100 bill and ran out. She was afterward arrested and \$40 of the money found in her pocket. His Honor sentenced her to the State Prison for three years.

Otto Knapp pleaded guilty to an attempt at bur-

Honor sentenced her to the State Prison for three years.
Otto Knapp pleaded guilty to an attempt at burgiary in the third degree. He was charged with entering the premises of Charles McNutzy, No. 537 Fifth street, on the 2d inst., and stealing \$50 worth of property.
James Brown and James Rogers pleaded guilty to a similar grade of crime, the indictment charging that on the 10th of February they burglariously entered the illuor store of Ernest A. Luhr, corner of Eighth avenue and Forty-second street. Sixteen boxes of cigars, worth \$220, were stolen.

Luhr, corner of Eighth avenue and Forty-second street. Sixteen boxes of cigars, worth \$220, were stolen.

John McGuinness, who, on the lith of this month, broke into the manufactory of hair goods of Edward Liebert, No. 136 Kim street, and stole a knife worth \$1. pleaded guilty to an attempt at burglary in the third degree.

James Collins, who, on the 13th of this month, stole sixty cents from the person of William W. Finiay, pleaded guilty to an attempt to commit that offence,

George W. Kelly pleaded guilty to an attempt at petit is reen's from the person, the allegation being that on the 23d of December he stole a pocketbook containing \$2 from Sarah Lewis while she was walking in Eighth avenue.

These orisoners were sent to the Penitentiary for two years and six months.

Henry Smith, who was jointly indicted with McGuinness, pleaded guilty. He was sent to the Penitentiary for eighteen months.

Christopher Brown, who on the 2d inst. stole an overcoat valued at \$40, the property of Henry W. Thomas, pleaded guilty to an attempt at grand larceny. Brown was sent to the State Prison for two years and six months.

Lewis Levine and John Williams, who were charged with stealing a watch on the sthinst, the property of Dreius & Keher, pleaded guilty to posti larceny.

Thomas Nicholson, who stole a chest of tea from

property of Dreius & Keher, pleaded guilty to petit larceny.

Thomas Nicholson, whe stole a chest of tea from the ship Weymus Castle, lying at pier 27 East River, pleaded guilty to petit larceny.

Laura Johnson, a water in a Chatham street concert saloon, charged with stealing \$20 from Carl Bergrain on the 5th of December last, was convicted.

convicted.
Patrick Dempsey pleaded guilty to petit larceny.
These prisoners were each sent to the Penitentiary for six months.

TOMBS POLICE COURT. Before Judge Smith. A SWINDLED SEA CAPTAIN.

William L. Gardner, according to a complaint fied at Court yesterday afternoon, obtained \$750 from Joseph Aquatini on false representations. in the complaint the following facts regarding the At the conclusion of the argument Judge Robinson took the papers, reserving his decision.

A BROOKLYN LAND SUIT.

An interesting case against the city of Brooklyn, involving land to the value of \$250,000, in its occupation as a street, was argued yesterday at Ai, bany, before the Court of Appeals, by Mr. S. B. alleged false pretence were stated at length:

could have the money. Next day, December 2, Gardner came again, having with him a note signed "Sarah Planuer," authorizing the payment of the money. Captain Planuer has returned from his voyage and swears that both the note purporting to be from him and the one signed sarah Planuer are forgeries. On these facts a warrant was issued and Gardner arrested. The Judge held him in delauit of \$2,000 to answer.

A YOUTHFUL FORGER. William Geresman made complaint against Ben amin Marks, his boy, for having, on the 15th of February, forged the name of Messrs. Harris & Russack to a \$25 check on the Central National Bank. Marks was sent by his employer, with the check, to Harris & Russack, to whose order it was made payable. Instead of performing his duty Besjamin torged the firm's name, went to the bank and obtained the money. He was held in delault of \$1,000 bank.

HACK THIEVES. Lathrop Ormsby and Charles Louge were held in default of ball on a charge of having stolen from William L. Weaver a leather vallee, containing \$48 worth of wearing apparel. Weaver hired a cab from the men and directed them to drive him to Fifeenth street. Both men were on the box of the cab; and, when weaver got out of the cab, one of the men was missing together with his valies. Ormsby was immediately arrested, and subsequently his companion was caught. A CAR PICKPOCKET IN TROUBLE

Lausson Valentine yesterday appeared and charged Charles Hamilton with having stolen his

JEFFERSON MARKET POLICE COURT. Before Judge Otterbourg.

MORE UNLICENSED LIQUOR DEALERS. The Excise Commissioners are unremitting in of selling liquor without a license. Quite an extensive raid was made on Wednesday night on the west side liquor dealers. Officers Gill, Cain, Thompson and Whelan arrested the following saloon keepers at the request of Inspectors Force and Coppin, of the Excise Bureau:-Jeremiah S. Mullen. No. 521 West Forty-third street; Henry S. Mullen. No. 521 West Forty-third street; Henry McGraw. No. 28 Gansevoort street; Charles Ficken, No. 79 Eighth avenue; Henry Fett, No. 16 Gansevoort street; William Boemhe, No. 250 West Twentieth Street; Patrics Dunn, No. 350 West Twentieth Street; Patrics Dunn, No. 350 West Twenty-finh street; John N. Rostereu, No. 300 West Twenty-second street; Edward Wagner, No. 593 Greenwich street; Hullip Witzel. No. 242 Spring street; John Killalea, No. 212 West Houston street; John Killalea, No. 212 West Houston street; Francis Lawlor, No. 349 West Twenty-finh street; Henry L. Schaumburg, No. 317 West Thirty-inita street; Charles McMullen, Forty-second street and North River. They were all arraigned before Judge Otterbourg yesterday morning and were all held in \$100 bail each to answer, with the exception of Philip Witzel, of No. 242 Spring street, who had but a license as soon as possible. The persons arrested complained very bitserly of the action of the Commissioners for making the arrest at night, when bail could not be obtained and thus obliging them to remain in the station house all night.

A MUSIC TEACHER'S FREAK. Andrew Craig, of No. 76 Carmine street, charge Robert McGurkin with stealing from him a watch and overcoat valued at \$58, on the 16th of Febru ary. McGurkin, who was a music teacher and resided with Mr. Craig, we arrested yesterday by Officer Howard, of the Twenty-eight precinct and brought before Judge Offerbourg. He pleaded guilty to the charge and was committed in \$1,000 ball to CONFIDENCE CARTER.

Charles Carter was arraigned on a charge of ob aining \$10 worth of groceries under false pretences from William Burniston, of No. 118 Fourth avenue. Carter, who was formerly in the employ of B. T. Arnold, of No. 113 East Fourteenth street, obtained the goods under the pretence that they were intended for Mr. Arnold's house. He was held in \$1,000 bail to answer.

ESSEX MARKET POLICE COURT. Before Judge Bixby. A SMALL BURGLARY.

On the 16th of February Barbara Geisinger, of No. 161 Stanton street, caught a man named Frank School going out of a back room of the store at Schdal going out of a back room of the store at the above number with a gold breastpin in his possession. Schdal, as soon as he was caugh; struck Mrs. Geisinger a violent blow and ran away. He was arrested Wednesday night by officer King, of the Thirteenth precinct, and brought before Judge Bixby, at Essex Market. As it was proven that Schdal had forcibly broken open the front door of the store leading to the room where he was caught, ne was held in \$1,000 bail to answer on a charge of burglary. ANOTHER DISORDERLY HOUSE.

Wednesday night Sergeant Smock, of the Tenth precinct, made a descent on an alleged dis-orderly house, at No. 100% Canal street, and ar-rested four persons—Courad Miller, Henry Miller, Kate West and Flora Smith. Courad Miller, the proprietor of the house, was held in \$1,000 bail to answer. The rest were fined \$10 each.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Lawrence.—Nos. 14, 15, 28, 29, 30, 82, 93, 99, 105, 130, 136, 154, 193, 201, 208, 211, 232, 234, 235.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Vorst.—ISSUES of law and lact.—Nos. 123, 169, 54, 174, 530 179, 90, 190, 193, 194, 195, 199, 203, 173, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215.

SUPREME COURT—CHROUT—PART 2—Held by Judge Van Brunt.—Short causes.—Nos. 2282, 1990, 1528, 2012, 2156, 2176, 1840, 1460, 2318, 2054, 2123, 2013, 1470, 1170, 2326, 1768, 1634, 2322, 2960, 1160, 1790, 2258.

PART 3—Held by Judge Donohue.—Short causes.—Nos. 2335, 1649, 2051, 2055, 2051, 2308, 1875, 1525, 1997, 2 1649, 2161, 2016, 1813, 2225, 1887, 2281, 1955, 2309, 2323, 2311, 2305, 2203, 2005, 2261.

SUPERIOR COURT—FIRLIT. TERM—PART 1—Held by Judge Spein.—Nos. 557, 875, 655, 739, 901, 911, 921, 928, 923, 927, 929, 931, 938, 837, 599. Part 2—Held by Judge Curtus.—Nos. 912, 1078, 986, 1102, 1104, 1106, 1108, 110, 1112, 1116, 1118, 1120, 1124, 1126, 1131, 1106, 1108, 1100, 1102, 1104, 1106, 1108, 1104, 1107, 1122, 1104, 1118, 1120, 1124, 1120, 1130, 1104, 1107, —Nos. 2277, 2208, 1997, 2226, 2151, 2009, 2164, 1891, 2236, 2257, 2258, 2059, 2927, 2208, 1997, 2226, 2151, 2009, 2164, 1891, 2236, 2254, 2005. Part 2—Held by Judge Laffenofre.—One nour causes, peremptory.—Nos. 227, 2208, 1997, 2226, 2151, 2009, 2164, 1891, 2236, 2254, 2005. Part 2—Held by Judge Laffenofre.—One nour causes, peremptory.—Nos. 227, 2208, 1999, 2226, 2151, 2009, 2164, 1891, 2236, 2254, 2005. Part 2—Held by Judge Seea.—Nos. 100, 1457, 45, 909, 1988, 2759, 1143, 1255, 1757, 444, 4390, 1599, 971, 1382, 4448, Part 2—Held by Judge Alexa.—Nos. 1100, 1457, 45, 909, 1988, 2759, 1143, 1255, 1757, 444, 1490, 1599, 971, 1382, 1448, Part 2—Held by Judge Seea.—Nos. 100, 1457, 45, 909, 1988, 2759, 1143, 1627, 1152, 1633, 1636, 1637, 1638, 1636, 1637, 1638, 1639, 1836, 1839, 1847, 2368, 1830, 1847, 2368, 1830, 1847, 2368, 1830, 1847, 2368, 1848, 1847, 2368, 1830, 1847, 2368, 1848, 1848, Part 2—Held by J COURT CALENDARS-THIS DAY.

BROOKLYN COURTS. SUPREME COURT DECISIONS.

George Dietrick vs. T. R. Gordon.—Judgment for plaintin, \$5,540 55.

J. H. Hill vs. R. Bayley.—Order granted for payment of surplus to plaintin, G. D. Mathews vs. J. L. Linden.—Change of venue to New York.

Continental Fire Insurance Company vs. C. and G. D. Matthews vs. J. L. Linden.—Change of vende to New York. Continental Fire Insurance Company vs. O. and A. Jones.—Judgment for plaintin for \$5,768. G. W. Sanderson to sell property; two and a half per cent allowed. C. H. Melford vs. J. H. Yates.—Referred to G. M.

C. H. Melford vs. J. I. Tates. —Referred to G. M. Stevens to compute judgment for plaintiff, \$3,630. J. Agate vs. H. R. Meyers.—Judgment for plaintiff, \$2,590. C. J. Beach to sell property; two and a half per cent ailowed.

Same vs. Same.—Judgment for \$1,199.

COURT OF APPEALS

ALBANY, Feb. 18, 1875.
Nos. 80 and 81. John Rohrbach, respondent, vs.
The Germania Fire Insurance Company, appeilant, and the same vs. Ætna Insurance Com pany.—Argument resumed and concluded.

No. 128. Katharine E. Heard et al., appellants

## FREAKS

Ten Thousand Buildings Without Water.

A HARVEST FOR PLUMBERS.

Suggestions from a Practical Civil Engineer.

THE ICE IN THE HARBOR.

Sound and River Navigation Greatly Impeded.

The thermometer continues for below the front ing point, and the trouble about frozen water pipes and useless street hydrants knows no abatement. Indeed, the difficulty attending the supply of water so necessary to personal comfort and cleanliness is increasing, despite the earnest en-deavors of owners, tenants and plumbers. The fact is that never in the history of this city has there been known so many dwelling houses to be deprived of water by the severe cold weather as now. There is hardly a awelling or public building in the city where more or less inconvenience has not been feit by the freezing of the pipes. The hotels have been greatly embarrassed, while saloon keepers state that not only are they de-prived of water, but their beer tanks, soda fountains and even parrels of liquor had to succumb to the cold. Thousands of dollars' worth of vegetables nave been destroyed by the irost throughout the city, and particularly among the stock of the wholesale dealers, as they have had no means of heating their buildings.
TENEMENT HOUSES.

It is difficult to describe the great suffering that the occupants of tenement houses are gaily compelled to endure for the want of water. Along avenues C and D, as well as on the cross streets, in the Eleventh and Seventeenth wards, scarcely a tenement house could be found vesterday where the water has not been frozen, while in all of them where the water is running it does not reach the second story. Men, women and children can be seen running here and there with pails bringing water from nydrants fortunately not closed. Along East Houston street four buildings were tound, containing eighty-five families and consisting of nearly 300 persons. In these barracklike dwellings not a particle of water have the tenants been able to procure from any of the hydrants for over two weeks. The agent refuses to have them thawed out, giving as a reason, like Dean Swift's man servant, that they will only freeze up again, and it would be a foolish expenditure of money. Some of the occupants have to go as far as three and four blocks for water required in the common ex-

A visit to some of the rear vards and alleyways leading to the "Barracks," in what is known as "Africa" in Thompson street, near Spring; "Curries row," in West Houston street, Rag Picker's row, on avenue C, and many other places in the city of a similar description revealed the fact that they were filled with ice and ashes to the cepth of three and four feet, the water at the out-door hy-drants have been allowed to run continually, until the whole yards and alleyways became deluged and the whole mass frozen solid. THE HOTELS

have also been greatly inconvenienced by the insufficient supply of water, many have men constantly engaged watching the pipes to prevent them from freezing, yet, with all these precaution the water has frequently been frozen on many of the upper floors. The freezing of the gas pipes has also been a great annoyance, and some of the hotel proprietors find it hard work to keep a decent light in their respective nouses. But in such hotels as the St. Nicholas, trand Central, Fitth Avenue, Everett House and others the proprietors have secured a sufficient supply. They have also taken precaution to see that their fire hydrants are in good working order, so that in case of fire they will be in no danger of any serious damage or loss. The St. Nicholas Hotel has hydrants on every floor, with flity feet of hose to every hydrant, so that they can at a moment's notice bring a stream to bear upon any one point in the building. The servants are all drilled, and should a fire take place a certain number of waters repair immediately to man the hose, others to station themselves on the several floors to guard the rooms, while the rest go to various stations so as to guard the property and, if required, to remove it from the building. The forand Central and Fifth Avenue hotels have also had their fire plugs examined and their dummy engines ready, so that water can be lorced to any part of the hotel. The proprietors of the Westminster Hotel, the Grand Central Hotel, the St. James, insufficient supply of water, many have men

move it from the obtaining. The Grand Central and Fith Avenue hotels have also had their fire plugs examined and their dummy engines ready, so that water can be lorced to any part of the hotel. The proprietors of the Westminster Hotel, the Grand Central Hotel, the St. James, the Hoffman, the Coleman, Glisey, Sturtevant, Brunswick and Everett houses have taken similar precautions to see that their fire hydrants and fire extinguishers are all in complete order. There is one excellent leature found in many of these large hotels, which is that they have all so large a supply et hose that they can be of good service at a fire anywhere within one block of them.

THE FERRY COMPANIES

have taken great precautions to keep all the hydrants about the several jerry houses open, in order that they will be able to be of some service in case of fire. The Fulton Ferry Company have had their hose overhaused and put into good condition, as has also the Jersey City, Hoboken and Staten Island erries. There is hardly a hydrant to be found along the piers, or on West or South street, which is not trozen up. The Superintendent of the Hoboken jerry has placed on dury a double watch at the Barclay and Christopher street jerries, while the keavy fires are kept up to warm the jerry houses so that no danger can accrue from the same.

AMONG THE PLUMBERS.

The private residences up town seem to suffer greatly for the want of water and gas. Along Fifth avenue, Madison avenue and the cross streets, especially on Park avenue and Murray Hill, the plumbers are constantly at work overhauling and thawing out the pipes. This cold spell has been a harvest to the plumbers and gas pipes, and on two occasions their orders reached 100 a day. Another firm on Sixth avenue has forty men at work, while another on Third avenue is working sixty-three. Some of the plumbers attribute the irrezing up of so many pipes to the miscrable material used and their connection with the street. They state that architects as a general thing do not consider the importance o

the Hudson. The ice is still at least fitteen incress thick above Poughkeepsie, and when it is suidenly loosened, as may now be expected at any time, probably the worst blockade of the winter will ensue, and more inconvenience and delay will be endured by the suffering cuizzens of New York. As the Brooklyn Bridge, when built, will be of no service to the Jerseymen, and as the North kilver Tunnel is still in the dim future, a proposition has been made for an improved form of ferry steamers, which will be able to force a passage through any ice liable to be encuntered in the vicinity of New York. Paddies are to be abolished, and in their stead a sunken screw is to be attached a few feet from each extremity of the boat. A plough or ram will project from each end, powerful enough or ram will project from each end, powerful enough to shatter fee of a foot or more in thickness. Guards will be dispensed with, which will be a convenience in entering the slips. For two feet above and below the water line these novel crait will be encased in boiler fron, thus obviating the danger of being cut through by the fee. Something better than the present system is surely needed, and it is said that several imprevenents have been presented, which, it is hoped, may in the future prevent a repetition of the scenes of the present winter.

ON THE NORTH RIVER

there was plenty of ice during the whole of yesterday, but it was so broken by the continuous attacks of ferry steamers and other crait that it offered, with but few exceptions, no obstacles to navigation. The river was divided into alternate ribbons of ice and clear water, and the bergs that have gleamed so picturesquely for the last few days were no longer noticeable. The slips along the entire river front continue frozen last, and each successive tide adds to the barricade at the entrance.

In some cases a breastwork of several feet in neight has been formed from the end of one pler to another, and behind it canal boats and lighters are snugly imprisoned. Business on the river

River awaiting transportation, and it is leared that serious loss may result from the unavoidable delays.

THE EAST RIVER

was filled with floating ice, but the ferryboats ran through it without difficulty. Each day seems to diminish the icy obstructions, and if it were not for the impending avalar che from the Hudson New Yorkers might congratulate themselves that the worst is over. In the bay there is still much trouble experienced, and several salling craft are below awaiting an opportunity to reach the city. Readers of the fightal will reminiber that two seals floated up the North River several days ago and that only one returned Yesterday another of the same tribe, which has been in the Lower Bay for two weeks post, visited the city, possibly to see what had become of his missing comrade, or perhaps en route for Baraum's. Mounted upon a berg he ascended the bay, but while off the Battery his crystal craft was caught in the current and carried up the East River. With all the gravity imaginable our distinguished visitor surveyed the city until he had passed Fution street. The sight of the bridge towers was apparently too much for his seasing, who plunged into the water, with a paintive moan, and has not since made his appearance.

At sea the sufferings of the past three weeks have been simply terribus. "Poor Jack" should gain much sympathy from every one. From all points reports are constantly coming in of severe storms, ice weighted ships and mjuries received from the nipping frost. Few people who have not been at sea can have an idea of what cold and ice mean to the sailor. With the mercury ten degrees or more below zero, the decks and rigging sneeted with ice and the fierce spray freezing immediately upon contact, our tars nobly carn their scanty superior to the past three sailors have been at sea can have an idea of what cold and ice mean to the sailor. With the mercury ten degrees or more below zero, the decks and rigging sneeted with ice and the fierce spray freezing immediately upon contact, our tars n

upon contact, our tars nobly earn their scanty stipend.

ON THE SOUND the blockade continues as far as Sand's Point. From there to the eastward there is a navigable channel, filled, however, with floating ice. From each shore a sould floe extends miles from land. The steamer Stoningson, from New York, was caught on Wednesday night off Old Ferry Point. The City of New Bedford (propeller) opened a passage yesterday morning and arrived in safety to the city. A telegram to the Herald from Guilford, Conn., received yesterday afternoon, stated that the crew of the E. A. Woodward, about whom so much anxiety has been manifested, and arrived safe at Faulgner's island.

ANCIENT RECORD OF THE COLD.

In view of the extreme and continuous cold weather of the present winter, with the resultant ice bridges on the North and East rivers, the following statement in reference to the severity of a winter of the past, taken verbatim from an old family record and kindly furnished us by one of "the oldest inhabitants," will be read with interest:—

1781—The winter began in the beginning of December,

family record and kindly furnished us by one of "the oldest inhabitants," will be read with interest:—

178)—The winter began in the beginning of December, 1779, and continued to the latter end of March, 1780. A very deep snow, above three feet and more, and driven up in heaps, in many places six and seven feet deep, and so severe a cold for most part of the winter that the like has never been known by the oldest living in the country, and which continued into March.

People did ride with horses and sleighs from New York to Staten Island with loads of lirewood, and did ride from New York to Panius Hook and bergen, and also crossed the Somd upon the lee from New York to Atonny, and further on liud-on kiver, and also crossed the Somd upon the lee from New Ondon to Long Island with carriages of burden, which never has been known to have been done before. The snow was not so deep and the new the little was like the dusk of from eight till four P. M. that it was like the dusk of ev ning. One could not see to read unless pretty sharp sighted and young, and there was no eclapse of the sun.

WEKENED MARINARS.

Up to a late hour last evening Mr. H. E. Browne,

ev ning. One could not see by read unless practy sharp sighted and young, and there was no eclipse of the sun.

WRECKED MARINARS.

Up to a late hour last evening Mr. H. E. Browne, of No. 35 Wall street, agent of the loss propellor E. A. Woodward, had received no further tidings from the captain and crew of said vessel. The Woodward left Providence bound for this city about a fortnight ago, but stopped on account of the ice at Newport, R. L. from whence she made her way down the Sound till she went ashore on the 7th inst., at Faikner's island, which is a small place on which a lighthouse stands. The place is about five miles from Sachem's Head, off the Connecticut shore and near Guildiord. The underwriters have sent down Captain Neills to take care of their interests. She remained on the rece fit il last Thursday, when the crew abandoned her and made their way across the lee to the island above mentioned. Captain Bartlett is her commander and has about six men on board with him. The wife of the captain, who resides here, is very anxious to obtain further news of her husband's safety. The last seen of the propeller was that she was drifting toward Orient, while her crew abandoned her.

The vessel is worth about \$20,000, and piled between Providence and this port, but belonged to no regular line.

that she was driffing toward Orient, while her crew abandoned her.

The vessel is worth about \$20,000, and plied between Providence and this port, but belonged to no regular line.

VENERABLE STUDENTS OF THE WEATHER.

Admiral Stringham, who is seventy-seven years old, made his way over to New York yesterday, and had a long chat with the President of the Commissioners of Pilots, Mr. G. W. Blunt, and the youngsters agreed that, since they made each other's acquaintance in 1819, it was the severest winter that they ever remembered.

TEMPTING PROVIDENCE.

The terrible risk ran by some of the Sound steamers in going and coming by Sandy Hook has been brought to the attention of Captain Addison Low, who has sent the agents of the offending companies the following reminder. The following is the document sent to Messrs, Borden & Lovell, of the Old Colony and Newport Steamship Company, and to Mr. Baboock, president of the Stonington Line:—

OFFICE OF UNITED STATES.

SUPERVISING INSPECTOR OF STRAM VERSELS.

SIRS—I see by the newspapers that the steamers of your line are running ounside of Long Island. By referring to your certificate of inspection you will see that they are not permitted to engage in such navigation. Very respectivily yours.

A THOUSAND DOLLARS EASILY GAINED.

At eight o'clock on Tuesday morning the ship Lillian, of St. John, N. B., 124 days out from Calcutta, arrived off the ceast, and was boarded about twenty miles from Sandy Hook by Pilot Bowen, of the boat Edmund Riggs. At this distance from land the ice was running very heavily, and the Captain, to avoid all chance of the ship getting hemmed in by the Ice, on its arrival in the bay and of Staten Island, made signals to a pilot boat and paid ner \$1,000 for being towed up to her wharf in this city.

Pilot Commissioner G. W. Blunt expressed himself very much pleased last night when news was brought to him that the United States Loca. Inspection of States Loca in great quantities is reported off South Side, Long Island, away down to Montauk.

A despatch t

THE ICE IN BOSTON BAY. SEVENTY-SEVEN FISHING VESSELS ICE-BOUND IN

PERILOUS ATTEMPTS TO WALK ON THE ICE— SINGULAR ESCAPE FROM DROWNING—SUGGES-

TIONS FOR BETTER PROTECTION.

BOSTON, Feb. 18, 1875.

Notwithstanding the softening weather the reports are to the effect that there is no change in ports are to the effect that there is no change in the ice-bound vessels at Highiand Light. The ice is very firm and men pass to, and from the shore every day. The steamtug Major arrived off Prov-incetown at ten A. M. with twenty fishermen and a crew of seven men on board. Signals of distress were flying from several fishing schooners and prompt efforts to force the tug through the ice

were made, but after cutting through for some distance further progress was obs'ructed by the mass of ice, and sieds were loaded with bags of coal, barrels of water and flour and groceries.

WALKING ON THE ICE. One of the crew of the Major started out with a sled load of these supplies, but after going a lew yards the ice sank under him wetting him up to his knees, when by a sudden spring, which sent the coal flying in every direction, he reached sure footing and proceeded. Others started out from the tug and got along pretty fairly, finally reaching the fishermen with three bags of coal, one barrel of water, one barrel of floor and a quantity of groceries. Some of the fishing craft had a supply of provisions for eight

days, and none of them soemed to lack for food, but they were short of met and fresh water, so they set signals of distress. The Major struggled about three nours in Retting out of the loc, after which site teathed for Boston, arriving at a late mour last night.

The foe Boston yessels.

There was but little change in the condition of the fishing vessels frozen in off Provincetowa this morning compared with that of yesterday. During the misst a strong and piercing northwest wind prevailed, which served to freeze still harder the sea of ice in which the intelligence will be desired as a firm of the univoky vessels are bound. This morning the night the schooler floury of which the revenue cutter Gallasin (Capiain Seldool) had found its way on Wednesday was forzen over and was not open to navigation. During the high the schooler floury Paul, lying salore, was diview further up. Her cargo will be discharged as soon as possible and the second of in a sea of the second of t

rendered.

THE NEED OF BETTER PROTECTION.

The total loss of the schooner denrietta, of Boston, near The Graves at the mouth of Boston harber and the late severe weather are strong arguments in support of the suggestions made by Captain Tallon, master of the Henrietta, and other old seafaring men, who have for years seen and urged the great necessity for better protection to vessels entering Boston harbor. A light on The Graves would be appreciated by thousands of masters and sallors who now have to depend upon charts and a knowledge of the coast in finding the deep channel, especially in thick weather.

AN EXCELLENT AND WELL LOCATED LIQUOR Store for saie cheap; on the west side, doing good business. Apply to THOMAS GAFFNEY, Auctioneer, 18 North William street.

A DOWNTOWN CARTING BUSINESS FOR SALE A DOWNTOWN WINE AND SAMPLE ROOM AT New Post office: long lease and cheap rent; sur-tune for a man with \$3.00 cash. MALONE's Store Agency, 121 Nassau street.

A WHOLE-ALE CROCKERY BUSINESS—AN OLD a established concern: rare opportunity to step into a sound, paying business; stock at inventory; no bonus. MALONE'S Store Agency, 121 Nassau street.

A Broadway; STORE-UPTOWN, JUNCTION OF A Broadway; fine location; dolur a nice family trade; must be sold. Inquire of S. C. BRUSH, 143 Chambers street, or E. C. HAYARD, 194 Chambers street. -FOR SALE, A WELL PAYING LIQUOR STORE on the best part of the Bowery, with or without ck: cheap rent. Apply to P. GAFFNEY. 2875

AN OLD ESTABLISHED HAIRDRESSING AND BU-man Hair Store for sale—One of the best stands on sixth avenue; will be soid at a bargain on account of the present owner retiring from business. Apply on the premises, 743 Sixth avenue.

A -FOR SALE.—TO PHOTOGRAPHERS.—ONB OF A: the best daileries in the Bowery for sale; other business only cause for selling; good trade; spienoid skylight. Apply at 350 Bowery immediately. N. B.—This is a chance seldom offered.

DRUG STORE FOR SALE.—APPLY TO DR. CADMUS, corner Grove and Fourth streets, Jersey City. DRUG STORE—30 YRARS' ESTABLISHED; DOING-now a good business; gool Stock and about 30,000 filed prescriptions; also several valuable Proprietary Medicines. Only intending purchasers apply, by letter, to J. D., Herald office.

FOR CHEAP PRINTING CALL ON THE METRO-POLITAN PRINTING ESTABLISHMENT, No. 316 Broadway.

Broadway.

FOR SALE—A PORK PACKING HOUSE, FRONTING On 70 New Chambers street, Batavia and Roosevell streets, New York, with all the appliances for pork cutting and packing; a first class location for the sale of rough stuffs; rent \$50 per month. FIRST CLASS FISH AND OYSTER MARKET FOR

FOR SALE-ALE CASES, BARRELS, HALF BAR-rels, Trucks, Horses and Harness. Apply at orewery, 145 East Forty-second street. POR SALE—WHOLESALE AND RETAIL LIQUOR Store, newly fitted up har and sample room, located near City Hail; proprietor would take a partner to extend business. J. F. BURNS, 191 West Eleventh street.

FOR SALE—THE SHELVING, COUNTERS, STOOLS,
Looking Glass, Figures, Carpets, &c., in store No.
814 Broadway.

FOR SALE—A COMPLETE SET OF BLACK WALNUT
Store Fixtures, must be sold to day from 10 to 12
o'clock. Under grand Hotel, Broadway and Thirty-first
street.

FOR SALE-FIRST CLASS BROOKLYN LIQUOR Store, well fitted up; good location; long lease; locuses paid up, 4c. Apply to FRANK GLOVER, 50 Peck stlp.

SAFRS.—A STOCK OF SECOND HAND SAFES, VA-rious makes, in good order, and fitted with combina-tion locks, selling low for cash; barrains. AMBRICAN SAFE COMFANY, 500 Broadway \$2.000 CASH-BALANCE ON BASY TERMS, will purchase a first class Dining Saloon and Hotel in the best location in New York, Address DINING SALOON, box 146 Herald Uptown Branch office

FOR SALE-VERY LOW, IF APPLIED FOR AT once, several Hoe Rotary Presses, good as new; suitable for newspaper work. Address the New York Herald.

DBALERS IN MACHINERY, MANUPACTURERS, and others needing Printing, can have it done in the best style by the MERROPOLITAN PRINTING ESTABLISHMENT, No. 215 Broad way. HYDRAULIC PRESS FOR SALE -ADDRESS FISE

RICH AND RESGANT JEWELRY DIAMONDS, Watches, Chains, &c. for sale low at Lindo BROS, 1,37 Broadway, opposite Gilsey House. Highest price paid for antique Jewelry, old Gold and Silver.

THE ORBATEST BARGAINS IN DIAMOND CLUS-ter and Solitaire) Singa, Sunda, Earrings, Broochea, Crosses, sold to pay advances, unprecedented opportu-nity, at 8. HOSENTHALDIA, No. 697 Broadway, 2nd face